

REMARKS

In view of the foregoing amendments and the following remarks, reconsideration and allowance of this patent application is earnestly solicited.

Claims 1-7 and 11-22 are pending in this application. Claims 8-10 were withdrawn from consideration by the Examiner. Claims 1-7 and 11-22 stand rejected. Claims 1, 4 and 7 have been amended. No new matter has been introduced.

In the Office Action, independent claim 1 and dependent claims 2-7, 11-15 and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by JP2002087040 (“Kenji”). Applicants respectfully traverse the foregoing claim rejections for the reasons set forth hereinafter.

As set forth in detail in the present application, Applicants’ invention is directed to an improved air-suspension system that permits more efficient air dryer regeneration. Components used for intake of air from atmosphere are separated from components used for venting to atmosphere. The components can be optimized for their respective intended uses and can be disposed at positions in the air-suspension system that are more favorable for their respective intended uses. Regeneration is more efficient because the ratio of the quantity of air drawn from atmosphere to the quantity of air discharged back into atmosphere for regeneration purposes can be reduced, contributing to energy savings.

The air-suspension system according to embodiments of the present invention includes an air dryer constructed and arranged to permit compressed air to flow in the same direction in all modes of operation of the air-suspension system. Independent claim 1 has been amended to more distinctly claim this inventive feature. This claim amendment is supported by

the application specification as filed (*see e.g.*, paragraphs [0011], [0059] and [0127] of the published patent application), and, thus, no new matter has been introduced.

The Kenji reference cited by the Examiner in the Office Action describes embodiments of a pneumatic vehicle height adjusting system. The Kenji system includes a compressor (1) with an air intake port (25) on the inlet side and an air release valve (17) on the outlet side. The compressor further includes an air dryer (3) on its outlet side. The air release valve has a closed position and a fluid venting position but no normal fluid passing position.

Kenji does not describe, teach or suggest an air dryer constructed and arranged to permit compressed air to flow in the same direction in all modes of operation of the air-suspension system. Rather, the Kenji system operates like conventional air-suspension systems over which the present claimed invention is new, useful and non-obvious improvement. In the Kenji system, air flow in the air dryer changes direction according to the operating condition of the system. During charging, air flows through the air dryer from the left side to the right side. During discharge, air flow is reversed -- air flows through the air dryer from the right side to the left side.

In stark contrast, in the system according to embodiments of the present claimed invention, there is no need for different flow directions for the intake and venting functions because the components used for intake of air from the atmosphere are separated from the components used for venting to the atmosphere. As a result, the compressed air flows through the air dryer in the same direction in every operating condition of the air-suspension system. The construction and arrangement of the present claimed system allows the air dryer to be disposed in relatively close spatial proximity to the compressed-air delivery device or even combined with the compressed-air delivery device as a compact module.

The Federal Circuit has instructed that anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *See W.L. Gore & Assocs. v. Garlock, Inc.*, 220 U.S.P.Q. 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 841 (1984); *see also Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 U.S.P.Q. 481, 485 (Fed. Cir. 1984) (requiring that the prior art reference disclose each element of the claimed invention arranged as in the claim). Considering that the system of the present invention as claimed in amended independent claim 1 differs in structure and arrangement from the system disclosed in Kenji, as discussed above, it is respectfully submitted that the Examiner has not made a *prima facie* case of anticipation, and that claim 1 is thus patentable over Kenji. Notice to this effect is earnestly solicited.

It is submitted that dependent claims 2-7, 11-15 and 22 are allowable by reason of their various dependencies from independent claim 1, as well as for the additional features and structure recited therein. Notice to this effect is also earnestly solicited. With respect to the rejection of dependent claims 13 and 14 on anticipation grounds, in particular, Applicants note that the rejection of these claims on this basis appears to be logically inconsistent with the rejection of these claims on obviousness grounds (discussed in greater detail below), given the Examiner's acknowledgement that Kenji is insufficient, by itself, to teach a directional control valve having two positions (passing and venting).

Dependent claims 13, 14 and 16-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kenji in view of U.S. Patent No. 3,519,011 ("Pennanen"). Applicants respectfully traverse the foregoing claim rejections for the reasons set forth hereinafter.

Pennanen describes embodiments of a replenish and relief valve for controlling air pressure supplied to a die cushion. The replenish and relief valve includes a movable piston

(16) having an axial passageway (18) therethrough to house a movable plunger (20) having its own axial passageway (21) partly therethrough and a closed end (23) to form a valve element with respect to the axial passageway of the piston. Air pressure is supplied to the valve to bias the piston and plunger to varying positions to provide air flow through the valve in one position and air flow into the valve from another direction and out of the valve through a vent port (24). The Examiner relies on Pennanen primarily for its disclosure of a valve device having at least two valve positions including a normal fluid passing position and a fluid venting position.

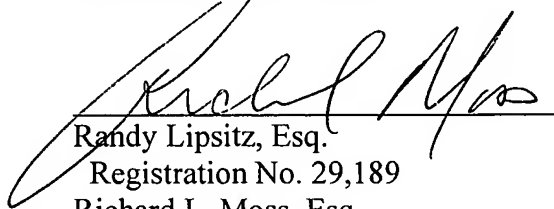
Pennanen does not cure the severe deficiencies of Kenji discussed above because Pennanen does not teach or suggest an air dryer constructed and arranged to permit compressed air to flow in the same direction in all modes of operation of the air-suspension system (*i.e.*, as claimed in amended independent claim 1 on which claims 13, 14 and 16-21 depend). It is respectfully submitted that one of ordinary skill in the art who reads and understands Pennanen and Kenji would not be inclined, let alone equipped, to arrive at the present claimed invention. Claims 13, 14 and 16-21, including through their respective dependencies from independent claim 1, recite features and structure nowhere found in Pennanen and Kenji. Thus, the cited references, whether taken alone or in combination, cannot yield, teach or suggest the present claimed invention. Accordingly, dependent claims 13, 14 and 16-21 are allowable by reason of their respective dependencies from independent claim 1, as well as for the additional features and structure recited therein. Notice to this effect is earnestly solicited.

The Examiner cited Suzuki et al. U.S. Publication No. 2005/0212225; Shima et al. U.S. Patent No. 4,881,753; and Smith U.S. Patent No. 5,466,007, but did not apply any of them against the application claims. Applicants respectfully submit that no further comment regarding the forgoing cited but unapplied references is deemed necessary or appropriate at this time.

On the basis of the foregoing amendments and remarks, Applicants respectfully submit that this application is in condition for immediate allowance, and notice to this effect is respectfully requested. The Examiner is invited to contact Applicants' undersigned attorneys at the telephone number set forth below if it will advance the prosecution of this case.

No fee is believed due with this Reply. Please charge any fee deficiency to Deposit Account No. 50-0540.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Randy Lipsitz", is written over a horizontal line.

Randy Lipsitz, Esq.

Registration No. 29,189

Richard L. Moss, Esq.

Registration No. 39,782

Leslie K. Nguyen, Esq.

Registration No. 49,081

Attorneys for Applicants

KRAMER LEVIN NAFTALIS & FRANKEL LLP

1177 Avenue of the Americas

New York, New York 10036

(212) 715-9100